

1 WILSON TURNER KOSMO LLP
2 ROBIN A. WOFFORD (137919)
3 HUBERT KIM (204957)
4 550 West C Street, Suite 1050
5 San Diego, California 92101
6 Telephone: (619) 236-9600
7 Facsimile: (619) 236-9669
8 E-mail: rwofford@wilsonturnerkosmo.com
9 E-mail: hkim@wilsonturnerkosmo.com

10 Attorneys for Defendant
11 EQUILON ENTERPRISES LLC

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

11 ANDREW ARMASWALKER, an
12 individual,

13 Plaintiff,

14 v.

15 EQUILON ENTERPRISES, LLC, a
16 Delaware limited liability company, and
17 DOES 1 through 10, Inclusive,

18 Defendants.

Case No. CV09-07183 ODW (PLAx)

UPDATED JUDGMENT

Complaint Filed: October 2, 2009

Courtroom: 11
Judge: Otis D. Wright II
M. Judge: Paul L. Abrams
Pre-Trial Conference: N/A
Trial Date: N/A

1 Defendant Equilon Enterprises LLC dba Shell Oil Products US's ("Defendant")
 2 Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment
 3 came on regularly for hearing at 1:30 p.m. on July 19, 2010, in Courtroom 11 of this
 4 Court, the Honorable Otis D. Wright II, presiding. Upon full consideration of all the
 5 papers submitted in support of and in opposition to the motion, the evidence presented
 6 by the parties, the issues having been duly heard and a decision having been duly
 7 rendered, the Court grants Defendant's Motion for Summary Judgment, or in the
 8 Alternative, Partial Summary Judgment.

9 In addition, upon full consideration of all the papers submitted in support of and
 10 in opposition to Defendant's Motion for Expert Witness Fees and the evidence
 11 presented by the parties, the Court grants in part Defendant's Motion for Expert
 12 Witness Fees, finding that Plaintiff Andrew Armaswalker's ("Plaintiff") entire action
 13 was frivolous under Section 2805(d)(3) of the Petroleum Marketing Practices Act (15
 14 U.S.C. § 2801, *et seq.*). In light of this finding, the Court determines that Defendant
 15 has qualified for and is awarded its expert witness fees in the amount of \$14,035.87.

16 **IT IS ORDERED AND ADJUDGED** that Judgment be entered in favor of
 17 Defendant and against Plaintiff as follows:

- 18 1. Plaintiff shall take nothing and the action be dismissed on the merits;
- 19 2. Defendant shall recover from Plaintiff its ordinary costs in the amount of
 20 \$6,216.68, as taxed by the Clerk in this matter on August 27, 2010; and
- 21 3. Defendant shall recover from Plaintiff expert witness fees in the amount
 22 of \$14,035.87.



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 24 Dated: October 12, 2010

25 HON. OTIS D. WRIGHT II
 26 UNITED STATES DISTRICT JUDGE
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